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OFFICE OF PETITIONS

In re Application of
Ohno et al.
Application No. 10/633,555
Filed: August 5, 2003
Attorney Docket No. 1405.1073

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of March 1, 2007. The non-final Office Action set a three (3) month shortened statutory period for reply. No timely extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 2, 2007. A Notice of Abandonment was mailed on September 26, 2007. A petition filed under 37 CFR 1.181 was dismissed on June 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1540.00, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$120.00 extension of time fee submitted with the petition on June 24, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2152 for appropriate action by the Examiner in the normal course of business on the reply received



Charlema Grant
Petitions Attorney
Office of Petitions